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# RULES OF PROCEDURE OF THE COUNCIL OF THE INTERNATIONAL SEABED AUTHORITY

(Adopted at its 10th meeting, on 16 August 1996)

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## Introductory note

On 28 July 1994 the General Assembly of the United Nations adopted the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. The Agreement has been provisionally applied since 16 November 1994 and entered into force on 28 July 1996.

According to the Agreement, its provisions and Part XI of the Convention are to be interpreted and applied together as a single instrument; these rules and references in these rules to the Convention are to be interpreted and applied accordingly.

## I. SESSIONS

### Regular sessions

#### Rule 1

Frequency of sessions

The Council shall meet in regular annual sessions unless it decides otherwise.

#### Rule 2

Date of commencement and duration

Before the end of each session the Council shall decide on the date of commencement and the approximate duration of the next session.

#### Rule 3

Notification of members

The Secretary-General shall notify the members of the Council as early as possible but at least thirty days in advance of the opening of a regular session. On the same date he shall notify other members of the Authority.

#### Rule 4

Alteration of the date of a regular session

1. Any member of the Council or the Secretary-General may request an alteration of the date of a regular session.

2. A request coming from a member of the Council shall be submitted to the Secretary-General at least forty-five days before the date originally scheduled and thirty days before the proposed new date. The Secretary-General shall immediately communicate the request to the members of the Council, together with all appropriate observations, including, if any, a statement on financial implications.

3. A request coming from the Secretary-General shall be subject to the same conditions.

4. If, within fifteen days of the request, a majority of the members of the Council concurs, the Secretary-General shall convene the session of the Council on the date indicated in the request.

## Special sessions

### Rule 5

### Convening of special sessions

When the urgent business of the Authority so requires, special sessions of the Council shall be held at the request of:

(a) The Assembly;

(b) The Council;

(c) Any member of the Council supported by a majority of the members of the Council;

(d) The President of the Council in consultation with the Vice-Presidents of the Council;

(e) The Secretary-General in consultation with the President of the Council.

### Rule 6

### Notification of members

The Secretary-General shall notify the members of the Council as early as possible, but no later than twenty-one days in advance of the opening of the special session. On the same date he shall notify other members of the Authority. When a special session is convened to consider an emergency matter under article 162, paragraph 2 (w), of the United Nations Convention on the Law of the Sea, such notification shall be sent as early as possible.

## Regular and special sessions

### Rule 7

**Place of meeting**

The Council shall meet at the seat of the Authority.

### Rule 8

**Notification of observers**

In accordance with the timetable envisaged in rules 3 and 6, copies of the notice convening each session of the Council shall be addressed to observers referred to in rule 82 of the rules of procedure of the Assembly.

### Rule 9

**Temporary adjournment of session**

The Council may decide to adjourn any session temporarily and resume it at a later date.

## II. AGENDA

## Regular sessions

### Rule 10

**Drawing up of the provisional agenda**

The provisional agenda of a regular session shall include:

(a) Items proposed by the Assembly;

(b) Reports of the Enterprise,[1] reports and proposals of the Economic Planning Commission,[2] the recommendations of the Legal and Technical Commission and reports of the Finance Committee;

(c) Items proposed by the Council;

(d) Items proposed by any member of the Council;

(e) Items proposed by the Secretary-General.

Rule 11

Communication of the provisional agenda

The provisional agenda for a regular session shall be drawn up by the Secretary-General and communicated to the members of the Council and to the members and observers of the Authority as early as possible but at least thirty days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members and observers of the Authority at least ten days before the opening of the session.

Special sessions

Rule 12

Drawing up of the provisional agenda

The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session.

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[1] According to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, the Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat. Upon the approval of a plan of work for exploitation for an entity other than the Enterprise, or upon receipt by the Council of an application for a joint-venture operation with the Enterprise, the Council shall take up the issue of the functioning of the Enterprise independently of the Secretariat of the Authority. If joint-venture operations with the Enterprise accord with sound commercial principles, the Council shall issue a directive pursuant to article 170, paragraph 2, of the Convention providing for such independent functioning.

[2] According to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, the functions of the Economic Planning Commission shall be performed by the Legal and Technical Commission until such time as the Council decides otherwise or until the approval of the first plan of work for exploitation.

Rule 13

Communication of the provisional agenda

The provisional agenda for a special session shall be communicated to the members of the Council as early as possible, but at least twenty-one days before the opening of the session. It shall be communicated to other members and observers of the Authority on the same date. When a special session is convened to consider an emergency matter under article 162, paragraph 2 (w), of the United Nations Convention on the Law of the Sea, the provisional agenda shall be sent as early as possible.

Regular and special sessions

Rule 14

Adoption of the agenda

At the beginning of each session, the Council shall adopt its agenda for the session on the basis of the provisional agenda. The Council may, however, in urgent circumstances, make additions to the agenda at any time during a session.

Rule 15

Allocation of items

The Council may allocate items for its consideration or for consideration by any of its organs or any of its subsidiary organs and may refer items without preliminary debate to:

(a) One or more of its organs or subsidiary organs for examination and report at a subsequent session of the Council;

(b) The Secretary-General for study and report at a subsequent session of the Council; or

(c) The proposer of the item, for further information or documentation.

## III. REPRESENTATION AND CREDENTIALS

Rule 16

Composition of delegations

Each member of the Council shall be represented at the meetings of the Council by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required by the delegation.

Rule 17

Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General if possible not later than twenty-four hours after they take their seats on the Council. The credentials shall be issued either by the Head of State or Government, by the Minister for Foreign Affairs or person authorized by him or, in the case of entities referred to in article 305, paragraph 1 (f), of the United Nations Convention on the Law of the Sea, by another competent authority.

Rule 18

Submission of credentials by the members of the Authority not represented on the Council

Any member of the Authority not represented on the Council, attending a meeting of the Council in accordance with rule 74, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he attends.

Rule 19

Examination of credentials

The credentials of representatives on the Council and of any representative appointed in accordance with rule 18 shall be examined by the Secretary-General, who shall submit a report to the Council for approval.

Rule 20

Provisional admission to the session

Pending the approval of the credentials of a representative on the Council in accordance with rule 19, such representative shall be seated provisionally with the same rights as other representatives.

Rule 21

Objection to representation

Any representative on the Council, to whose credentials objection has been made within the Council, shall continue to sit with the same rights as other representatives until the Council has decided the matter.

## IV. OFFICERS

### Rule 22

Elections

1. Each year at its first regular session, the Council shall elect a President and four Vice-Presidents from among its members, so that every regional group is represented by one officer.

2. In the election of the President the principle of rotation between regional groups shall be observed, and every effort shall be made to elect the President without a vote.

3. Vice-Presidents shall be eligible for re-election.

### Rule 23

Term of office

The President and the Vice-Presidents shall, subject to rule 26, hold office until their successors are elected.

### Rule 24

Acting President

1. If the President finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. If the President ceases to hold office pursuant to rule 26, one of the Vice-Presidents shall act in his place until the election of a new President.

### Rule 25

Powers of the Acting President

A Vice-President acting as President shall have the same powers and duties as the President.

### Rule 26

Replacement of the President or Vice-President

If the President or a Vice-President ceases to be able to carry out his functions or ceases to be a representative of a member of the Council, or if a member of which he is a representative ceases to be a member of the Council, he

shall cease to hold such office and a new President or Vice-President shall be elected for the unexpired term.

Rule 27

General powers of the President

In addition to exercising the powers conferred upon him elsewhere in these rules or by the United Nations Convention on the Law of the Sea, the President shall declare the opening and closing of each meeting of the Council, direct the discussions, ensure observance of these rules, accord the right to speak, put questions for decisions and announce decisions. He shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Council and over the maintenance of order at its meetings. The President may, in the course of discussion of an item, propose to the Council the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate, and the suspension or the adjournment of the meeting or of the debate on the question under discussion.

Rule 28

Functions of the President

1. The President shall preside over the meetings of the Council and shall represent it in its capacity as the executive organ of the Authority.

2. The President, in the exercise of his functions, remains under the authority of the Council.

Rule 29

Voting of the President and Acting President

The President, or a Vice-President acting as President, shall not vote, but may designate another member of his delegation to vote in his place.

V. SECRETARIAT

Rule 30

Duties of the Secretary-General

1. The Secretary-General, as the chief administrative officer of the Authority, shall act in that capacity in all meetings of the Council and of its organs and subsidiary organs. He may designate an officer of the Secretariat to act as his representative. He shall discharge such other responsibilities as

are assigned to him under Part XI of the United Nations Convention on the Law of the Sea.

2. The Secretary-General shall provide and direct, with due regard to the principles of economy and efficiency, the staff required by the Council, its organs and its subsidiary organs.

3. The Secretary-General shall keep the members of the Council informed of any questions which may be of interest to the Council.

Rule 31

Submission of the annual budget

The Secretary-General shall draft the proposed annual budget of the Authority and submit it together with the recommendations of the Finance Committee to the Council for its consideration. The Council shall consider the proposed annual budget taking into account the recommendations of the Finance Committee and submit it to the Assembly, together with its own recommendations thereon.

Rule 32

Duties of the Secretariat

1. The Secretariat shall receive, translate, reproduce and distribute documents of the Council and its organs to the members and observers of the Authority; interpret speeches made at the meetings; prepare and circulate, if so decided by the Council in accordance with rule 37, the records of the session; have the custody and proper preservation of the documents in the archives of the Authority; and, generally, perform all other work which the Council may require.

2. The Secretary-General may distribute to members of the Authority written reports submitted by the non-governmental organizations referred to in article 169, paragraph 1, of the United Nations Convention on the Law of the Sea. Such reports submitted by non-governmental organizations within the scope of their competence which are relevant to the work of the Council shall be distributed by the Secretariat in the quantity and in the languages in which the reports are available.

Rule 33

Estimate of expenditures

1. Before any proposal which involves expenditures from the Authority's funds is approved by the Council, the Secretary-General shall prepare, as early as possible, a report on the estimated costs involved as well as on administrative and budgetary implications with reference to existing financial authorizations and budgetary appropriations and submit it to the Finance Committee. After

consideration by the Finance Committee, the report shall be circulated to all members of the Council together with the recommendations of the Finance Committee thereon.

2. The Council shall take into account the estimates and recommendations referred to in paragraph 1 before adopting any proposal involving expenditure from the Authority's funds. If the proposal is adopted, the Council shall indicate, whenever appropriate, the priority or degree of urgency which it attaches to the proposal.

3. The Council may, in accordance with the procedures established for the operation of a contingency fund to be set up, recommend withdrawals from the contingency fund to meet unanticipated emergencies that may arise before the next regular session of the Assembly.

## VI. LANGUAGES

### Rule 34

Languages

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Council.

### Rule 35

Interpretation

1. Speeches made in a language of the Council shall be interpreted into the other such languages.

2. Any representative may make a speech in a language other than the language of the Council. In that case, he shall himself provide for interpretation into one of the languages of the Council. Interpretation into the other languages of the Council by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

### Rule 36

Languages of resolutions and documents

All resolutions and other documents shall be published in the languages of the Council.

## VII. RECORDS

### Rule 37

Records and sound recordings of meetings

1. The Council may decide to keep summary records of plenary meetings; but all decisions taken by the Council and all statements made for the record shall be duly included in the published records of the Council. As a general rule, they shall be circulated as soon as possible, simultaneously in all the languages of the Council, to all representatives, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make and retain sound recordings of the meetings of the Council, and of its subsidiary organs when they so decide. The Secretariat shall provide appropriate facilities to enable members of the Authority to have access to such sound recordings of public meetings upon request.

### Rule 38

Communication of decisions

Decisions adopted by the Council shall be communicated by the Secretary-General to the members of the Authority within fifteen days after the close of the session.

## VIII. PUBLIC AND PRIVATE MEETINGS OF THE COUNCIL AND ITS SUBSIDIARY ORGANS

### Rule 39

Public and private meetings

1. The meetings of the Council shall be held in public unless otherwise decided.

2. As a general rule, meetings of subsidiary organs shall be held in private.

3. All decisions of the Council taken at a private meeting shall be announced at the earliest possible public meeting of the Council. At the close of each private meeting of a subsidiary organ, the Chairman may issue a communiqué through the Secretary-General.

## IX. CONDUCT OF BUSINESS

### Rule 40

Quorum

A majority of the members of the Council shall constitute a quorum.

### Rule 41

Speeches

No representative may address the Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

### Rule 42

Precedence

The Chairman of an organ of the Council, or of a subsidiary organ of the Council, may be accorded precedence in speaking for the purpose of explaining the conclusion arrived at by that organ.

### Rule 43

Statements by the Secretariat

The Secretary-General, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the Council concerning any question under consideration by it.

### Rule 44

Points of order

During the discussion of any matter, a representative of a member of the Council may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative of a member of the Council may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members of the Council present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 45

Time limit on speeches

The Council may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of members of the Council may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his allotted time, the President shall call him to order without delay.

Rule 46

Closing of list of speakers, right of reply

During the course of a debate, the President may announce the list of speakers and, with the consent of the Council, declare the list closed. The President may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Rule 47

Adjournment of debate

During the discussion of any matter, a representative of a member of the Council may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives of members of the Council may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 48

Closure of the debate

A representative of a member of the Council may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives of members of the Council opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 49

Suspension or adjournment of the meeting

During the discussion of any matter, a representative of a member of the Council may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 50

Order of procedural motions

Subject to rule 44, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Rule 51

Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretary-General, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Council unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 52

Decision on competence

Subject to rule 50, any motion calling for a decision on the competence of the Council to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 53

Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the proposal or motion has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 54

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Council, by a two-thirds majority of the members of the Council present and voting and subject to the requirement referred to in rule 56, paragraph 2, so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives of members of the Council opposing the motion, after which it shall be immediately put to the vote.

X. DECISION-MAKING

Rule 55

Voting rights

Each member of the Council shall have one vote.

Rule 56

Decision-making

1. As a general rule, decision-making in the Council should be by consensus.

2. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Council on questions of procedure shall be taken by a majority of members present and voting, and decisions on questions of substance, except where the United Nations Convention on the Law of the Sea provides for decisions by consensus in the Council, shall be taken by a two-thirds majority of members present and voting, provided that such decisions are not opposed by a majority in any one of the chambers referred to in paragraph 5 below. To facilitate the determination of a majority in chambers, ballot papers distributed to the members of each of the chambers should be distinctly marked.

3. The Council may defer the taking of a decision in order to facilitate further negotiation whenever it appears that all efforts at achieving consensus have not been exhausted.

4. Decisions by the Council having financial or budgetary implications shall be based on the recommendations of the Finance Committee.

5. Each group of States elected under paragraphs (a) to (c) of rule 84 of the rules of procedure of the Assembly shall be treated as a chamber for the purposes of voting in the Council. The developing States elected under paragraphs (d) and (e) of rule 84 of the rules of procedure of the Assembly shall be treated as a single chamber for the purposes of voting in the Council.

Rule 57

Use of terms

1. For the purposes of these rules, the phrase "members present and voting" means members of the Council present and casting an affirmative or negative vote. Members of the Council who abstain from voting shall be considered as not voting.

2. Subject to the provisions of rules 16 and 21, the term "members participating" in relation to any particular session of the Council means any member of the Council whose representatives have registered with the Secretariat as participating in that session and which has not subsequently notified the Secretariat of its withdrawal from that session or part of it. The Secretariat shall keep a register for this purpose.

Rule 58

Decisions requiring a consensus

Decisions on questions of substance arising under the following provisions of the United Nations Convention on the Law of the Sea shall be taken by consensus: article 162, paragraph 2 (m) and (o); adoption of amendments to Part XI.

Rule 59

Use of term "consensus"

For the purposes of these rules, "consensus" means the absence of any formal objection.

Rule 60

Method of voting

1. The Council shall, in the absence of mechanical means for voting, vote by show of hands, but a representative of any member of the Council may request a roll-call. The roll-call shall be taken in the English alphabetical order of

the names of the members of the Council participating in that session, beginning with the member of the Council whose name is drawn by lot by the President. The name of each member of the Council shall be called in any roll-call, and one of its representatives shall reply "yes" or "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members of the Council.

2. When the Council votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call vote. A representative of any member of the Council may request a recorded vote. In the case of a recorded vote, the Council shall, unless a representative of any member of the Council requests otherwise, dispense with the procedure of calling out the names of the members of the Council; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 61

Conduct during voting

After the President has announced the beginning of voting, no representative of any member of the Council shall interrupt the voting, except that representatives of members of the Council may interrupt on a point of order in connection with the actual conduct of the voting.

Rule 62

Explanation of vote

Representatives of members of the Council may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such statements. The representative of any member of the Council sponsoring a proposal or motion shall not speak in explanation of vote thereon, unless it has been amended.

Rule 63

Division of proposals and amendments

A representative of a member of the Council may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and to two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 64

Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 65

Order of voting on proposals

If two or more proposals relate to the same question, the Council shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Council may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 66

Elections

All elections shall be held by secret ballot.

Rule 67

Restricted balloting for one elective place

If, when a person or a member of the Council is to be elected, no candidate obtains in the first ballot the required majority provided for in rule 56, paragraph 2, the balloting shall be continued until one candidate secures the required majority of the votes cast, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or member of the Council. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or member of the Council is elected.

Rule 68

Restricted balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 69

Equally divided votes on matters other than elections

If a vote is equally divided on matters other than elections, a second vote shall be taken at a subsequent meeting which shall be held within forty-eight hours of the first vote, and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XI. SPECIAL PROCEDURES

Rule 70

Approval of plans of work

The Council shall approve a recommendation by the Legal and Technical Commission for approval of a plan of work unless by a two-thirds majority of its members present and voting, including a majority of members present and voting in each of the chambers of the Council, the Council decides to disapprove a plan of work. If the Council does not take a decision on a recommendation for approval of a plan of work within a prescribed period, the recommendation shall be deemed to have been approved by the Council at the end of that period. The prescribed period shall normally be 60 days unless the Council decides to provide for a longer period. If the Commission recommends the disapproval of a plan of work or does not make a recommendation, the Council may nevertheless approve the plan of work in accordance with its rules of procedure for decision-making on questions of substance.

## XII. SUBSIDIARY ORGANS

### Rule 71

Establishment

The Council may establish, as appropriate, and with due regard to economy and efficiency, such subsidiary organs as it finds necessary for the exercise of its functions.

### Rule 72

Composition

In the composition of subsidiary organs, emphasis shall be placed on the need for members qualified and competent in relevant technical matters dealt with by those organs, provided that due account shall be taken of the principle of equitable geographical distribution and of special interests.

### Rule 73

Rules of procedure

These rules of procedure of the Council apply, mutatis mutandis, to the proceedings of subsidiary organs unless the Council decides otherwise.

## XIII. PARTICIPATION BY NON-MEMBERS OF THE COUNCIL

### Rule 74[3]

Participation by members of the Authority

Any member of the Authority not represented on the Council may send a representative to attend a meeting of the Council. Such a representative shall be entitled to participate in the deliberations but not to vote.

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[3] This rule is without prejudice to the understanding reached by the Assembly, at the first part of the second session held in March 1996, which provides the following: "The regional group which relinquishes a seat will have the right to designate a member of that group in the Assembly to participate in the deliberations of the Council without the right to vote during the period the regional group relinquishes the seat" (ISBA/A/L.8, note 2, and ISBA/A/L.9, para. 11).

Rule 75

Participation by observers

Observers referred to in rule 82 of the rules of procedure of the Assembly may designate representatives to participate, without the right to vote, in the deliberations of the Council, upon the invitation of the Council, on questions affecting them or within the scope of their activities.

Rule 76

Cooperation with international and non-governmental organizations

The Secretary-General shall, on matters within the competence of the Authority, make suitable arrangements, with the approval of the Council, for consultation and cooperation with international and non-governmental organizations recognized by the Economic and Social Council of the United Nations.

## XIV. ELECTIONS TO THE ECONOMIC PLANNING COMMISSION AND LEGAL AND TECHNICAL COMMISSION[4]

Rule 77

Composition

1. Each Commission shall be composed of fifteen members, elected by the Council from among the candidates nominated by the members of the Authority.

2. However, if necessary, the Council may decide to increase the size of either Commission, having due regard to economy and efficiency.

3. In accordance with rule 56, paragraph 2, decisions of the Council on matters referred to in paragraphs 1 and 2 above shall be taken by a two-thirds majority of members present and voting, provided that such decisions are not opposed by a majority in any one of the chambers referred to in rule 56, paragraph 5.

Rule 78

Equitable geographical distribution and the representation of special interests

In the election of members of the Commissions, due account shall be taken of the need for equitable geographical distribution and the representation of special interests.

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[4] See note 2 above.

Rule 79

Nominations

No State Party may nominate more than one candidate for the same Commission. No person shall be elected to serve on more than one Commission.

Rule 80

Term of office

1. Members of the Commissions shall hold office for a term of five years. They shall be eligible for re-election for a further term.

2. A member of a Commission shall begin his term of office on the date of election.

3. In the event of the death, incapacity or resignation of a member of a Commission prior to the expiration of his term of office, the Council shall elect for the remainder of the term, a member from the same geographical region or area of interest.

Rule 81

General qualifications for membership of a Commission

Members of a Commission shall have appropriate qualifications in the area of competence of that Commission. Members of the Authority shall nominate candidates of the highest standards of competence and integrity with qualifications in relevant fields so as to ensure the effective exercise of the functions of the Commissions.

Rule 82

Qualifications for membership of the Economic Planning Commission

Members of the Economic Planning Commission shall have appropriate qualifications, such as those relevant to mining, management of mineral resources activities, international trade or international economics. The Council shall endeavour to ensure that the membership of the Commission reflects all appropriate qualifications. The Commission shall include at least two members from developing States whose exports of the categories of minerals to be derived from the Area have a substantial bearing upon their economies.

Rule 83

Qualifications for membership of the Legal and Technical Commission

Members of the Legal and Technical Commission shall have appropriate qualifications, such as those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise. The Council shall endeavour to ensure that the membership of the Commission reflects all appropriate qualifications.

## XV. AMENDMENTS

Rule 84

Method of amendment

These rules of procedure may be amended by a decision of the Council, taken by a majority of the members present and voting, after a committee has considered the proposed amendment.

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